IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.APPLN. NO.3851 OF 2006

Pankaj Shantikumar Majithia
and Anr. ..Applicants

Vs.

The State of Maharashtra
and Ors. ..Respondents

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Mr.N.K.Thakore i/b Gopalkrishna Shenoy counsel for Applicants
Mr.S.R.Shinde A.P.P. for the State
Mr.Prakash Naik for Respondent No.2

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : MARCH 7, 2007

P.C.

1. Heard the learned counsel for the applicants-original accused, learned counsel for the respondent no.2-original complainant and the learned A.P.P. for the State.

2. The applicants have sought for quashing of C.C.No. 110/P/1993 pending before the learned Addl. Chief Metropolitan Magistrate, 47th Court at Esplanade, Mumbai. The said case pertains to

C.R.No.24 of 1990 of Cuffe Parade.

3. In the said case, Mr.N.N.Faruqui is the complainant. He has filed the complaint on behalf of Trust i.e. Habib Ismile Memorial Trust-Respondent No.2. Mr.N.N.Faruqui was the Secretary of the said Trust. Mr.Naik, the learned counsel appearing for the respondent no.2 states that the complainant does not wish to proceed with the said complaint and the proceedings therein may be quashed. As far as respondent no.3 is concerned, an affidavit has been filed that he left the services of the Trust in the year 1992 and had gone to Kashmir and thereafter, his whereabouts are not known to anyone. So also the Officer of the Cuffe Parade Police Station made enquiry and during the enquiry it has transpired that the Respondent No.3 had gone to Kashmir in 1992 and his whereabouts are not known. It is stated by the learned A.P.P. that despite sincere efforts by the Investigating Agency, it is not possible to trace Respondent No.3. Looking to these facts and that the original complainant does not wish to proceed with its complaint, in my view, prayer of the applicants can be allowed.

4. C.R.No.24 of 1990 of Cuffe Parade Police Station and proceeding relating thereto i.e. C.C.No.110/P/1993 pending before the Addl.Chief Metropolitan Magistrate, 47th Court, Esplanade Mumbai, are quashed.

5. Application is disposed of.

[V.K.Tahilramani, J.]